IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 853 OF 2006

Rajeev Agarwal ...Applicant.

V/s

1. Central Bureau of
Investigations,
A.C.U., Tanna House, Colaba,
Mumbai and ors. ....Respondents.

Mr. Uday Warunjikar with Mr. Y.M. Rohira for the applicant.

Mr. H.V. Mehta with Mr. E. Khan for the respondents.

CORAM: V.M. KANADE, J.

DATE: 6th March, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent.

2. The applicant is seeking permission to go abroad for a period of 15 days. It is submitted by the learned Counsel appearing for the applicant that the order of detention passed by the Special Court was set aside by this Court and the SLP filed by the respondent against the said order was also dismissed. It is submitted that the applicant has paid the entire liability in the proceedings which were instituted before the Settlement Commissioner and, therefore,

practically, the proceedings under the Customs Act do not survive. He invited my attention to the order passed by the Supreme Court in which there is a specific reference of all liabilities being paid pursuant to the orders passed by the Settlement Commissioner. In this view of the matter, there cannot be an impediment in granting the prayer.

3. Accordingly, the application is allowed in terms of prayer clause (a). It is clarified that the applicant shall give his itinerary to the Department atleast three days in advance and also give the place where he intends to stay abroad and the duration of his stay. The applicant shall report back to respondent No.1 after he returns.

4. Application is disposed of in the above terms.

V.M. KANADE, J.